



DOCKET NO: 5244-0104-2X

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF :

TETSURO MOTOYAMA ET AL.

: EXAMINER: ZIA, SYED

SERIAL NO: 09/440,692 :

RCE FILED: SEPTEMBER 25, 2003

: GROUP ART UNIT: 2131

FOR: REMOTE SYSTEM USAGE  
MONITORING WITH FLEXIBLE  
ENCODING AND DECODING OBJECTS

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**  
**(37 CFR 41.37)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notification of Non-Compliant Appeal Brief, we are enclosing herewith a signed Appeal Brief in replace to the Appeal Brief filed January 28, 2005, which was found defective. The enclosed Appeal Brief is the same as that filed January 28, 2005.

Respectfully submitted,

Adjustment Date: 11/14/2005 SDIRETA1  
05/26/2005 CCURTIS 00000002 150030 09440692  
01 FC:1251 120.00 CR

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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Attorney of Record  
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**22850**

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(OSMMN 06/04)

JJK/SNS/des

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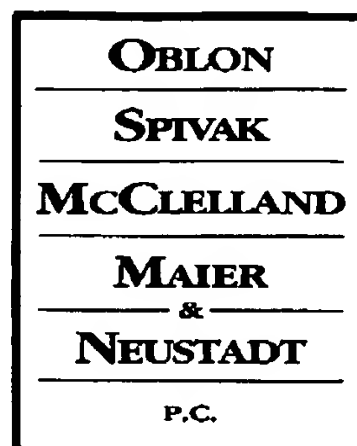
05/26/2005 CCURTIS 00000002 150030 09440692  
01 FC:1251 120.00 DA

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2005 OCT -4 11 2 07

US PATENT & TRADEMARK  
OFFICE

September 22, 2005



ATTORNEYS AT LAW

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CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

Attn: Frank Lebron  
Refund Department

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of a portion of our deposit account statement of May, 2005. Note the highlighted charge on **serial number 09/440,692 in the amount of \$120.00 on fee code #1251.**

This charge appears to be in error. A response with an appeal brief was filed in this application on May 16, 2005 **in response to Notification of Non-Compliant Appeal Brief mailed April 14, 2005. A period for response was set to expire within one month or thirty days from the mailing date of the notification. Since the response date of May 14, 2005, fell on a Saturday, the response was timely filed. No extension fees were necessary.**

**Please review this application and kindly refund \$120.00 to deposit account #150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Debbie Noel at (703) 412-6296. Thank you for your assistance in this matter.**

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department

Enclosures

MASTER

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Trademark Office**

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**Deposit Account Statement**

Requested Statement Month: May 2005  
 Deposit Account Number: 150030  
 Name: NORMAN F. OBLON  
 Attention:  
 Address: 1940 DUKE STREET  
 City: ALEXANDRIA  
 State: VA  
 Zip: 22314  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/02	5	10281958	229950US3PMH	1201	\$800.00	\$12,838.71
05/02	34	PAYMENT		9203	-\$20,000.00	\$32,838.71
05/04	5	10218317	226904US2CON	1253	\$1,020.00	\$31,818.71
05/04	6	09930135	212768US6	1806	\$180.00	\$31,638.71
05/04	103	10240266	228690US0PCT	1251	\$120.00	\$31,518.71
05/04	166	09779834	195128US20	2253	\$510.00	\$31,008.71
05/05	1	10653098	242221US2RD	1201	\$400.00	\$30,608.71
05/05	329	60579242	254038US/KQU	8007	\$20.00	\$30,588.71
05/05	352	10168543	224810US6PCT	1504	\$300.00	\$30,288.71
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05/06	2	10792210	248549US2S DIV	1806	\$180.00	\$29,988.71
05/06	3	10792210	248549US2S DIV	1806	\$180.00	\$29,808.71
05/06	5	10415108	255949US2D	1806	\$180.00	\$29,628.71
05/06	6	10532110	271083US96PCT	1631	\$300.00	\$29,328.71
05/06	7	10532110	271083US96PCT	1633	\$200.00	\$29,128.71
05/06	8	10532110	271083US96PCT	1643	\$100.00	\$29,028.71
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05/06	10	10532110	271083US96PCT	1615	\$9,400.00	\$19,378.71
05/06	10	10471663	255949US2D	1806	\$180.00	\$19,198.71
05/06	11	10532110	271083US96PCT	1453	\$1,500.00	\$17,698.71
05/06	95	60583371	255236US/KQU	8007	\$20.00	\$17,678.71
05/06	97	60606147	258305US/KQU	8007	\$40.00	\$17,638.71
05/10	1	10442960	238012US2	1806	\$180.00	\$17,458.71
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05/10	174	10526616	270702US-6SEC	1011	\$300.00	\$16,588.71
05/10	175	10526616	270702US-6SEC	1111	\$500.00	\$16,088.71
05/10	176	10526616	270702US-6SEC	1311	\$200.00	\$15,888.71

05/25	123	11121969	270190US2SRD CONT	1314	\$270.00	\$24,179.71
05/25	125	11121969	270190US2SRD CONT	1051	\$130.00	\$24,049.71
05/25	245	60662804	268438US/KQU	8007	\$360.00	\$23,689.71
05/26	2	09440692	5244-0104-2X	1251	\$120.00	\$23,569.71
05/26	2	10787414	248502US2TTCRD DIV	1806	\$180.00	\$23,389.71
05/26	3	10203781	226150US26PC	1252	\$450.00	\$22,939.71
05/26	23	10523842	265678US0PCT	1642	\$400.00	\$22,539.71
05/26	269	60575405	253870US/KQU	8007	\$20.00	\$22,519.71
05/27	2	10695791	244692US2	1806	\$180.00	\$22,339.71
05/27	9	10512684	260274US0XPCT	1617	-\$130.00	\$22,469.71
05/27	57	10882351	255480US6	2202	\$25.00	\$22,444.71
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05/27	122	10526616	270702US-6SEC	1051	-\$130.00	\$23,574.71
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05/27	124	10526616	270702US-6SEC	1203	-\$360.00	\$24,084.71
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05/31	2	09817203	205114	1806	\$180.00	\$23,962.71
05/31	10	10659468	242299US2	1806	\$180.00	\$23,782.71
05/31	98	0127230069	265751CN/TEP/FF	8014	\$25.00	\$23,757.71
05/31	297	10536302	272908USOPCT	1631	\$300.00	\$23,457.71
05/31	298	10536302	272908USOPCT	1642	\$400.00	\$23,057.71
05/31	299	10536302	272908USOPCT	1633	\$200.00	\$22,857.71
05/31	300	10536302	272908USOPCT	1615	\$1,750.00	\$21,107.71
05/31	301	10536302	272908USOPCT	1614	\$800.00	\$20,307.71
05/31	302	10536302	272908USOPCT	1616	\$360.00	\$19,947.71

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$13,638.71	\$40,187.00	\$46,496.00	\$19,947.71

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,692	11/16/1999	TETSURO MOTOYAMA	5244-0104-2X	3301
22850	7590	04/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED: 4/5/05  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.  
DOCKETING DEPT.  
Initials/Date Docketed: 156 4/15/05  
Type of Resp(s): NEW P.D. Due  
Due Date(s): 5/14/05 (MAY 12)

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/440,692

Applicant(s)

MOTOYAMA ET AL.

Examiner

Syed Zia

Art Unit

2131


**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 28 January 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Attachment.

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

OSMM&N File No. 5244-0104-2X

Dept.: E/M

By: JJK/SNS/des

Serial No. 09/440,692

In the matter of the Application of: Tetsuro MOTOYAMA, et al.

For: REMOTE SYSTEM USAGE MONITORING WITH FLEXIBLE ENCODING  
AND DECODING OBJECTS

Due Date: 05/14/05

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Cover/Letter
- Response to Notification of Non-Compliant Appeal Brief (37 CFR 41.37)
- Signed Appeal Brief with Appendices

